

**PLANNING & ZONING COMMISSION  
MEETING  
APRIL 25, 2006**

**Present:**

Sarah Murphy, Chairman  
Bill Talley Vice-Chairman  
Kevin Bittinger  
Allan Feldman  
Derryll Anderson

**Call to Order**

Chairman Murphy called the April 25, 2006 meeting to order. The first item on the agenda was approval of minutes from the March 28, 2006 meeting. There were no changes.

Chairman Murphy called for a motion.

***Motion:*** Vice-Chairman Talley motioned to approve the minutes of March 28, 2006 meeting.

***Second:*** Commissioner Anderson seconded the motion.

***Vote:*** Unanimous

Motion carried.

**Stone Property, Highway 54 West & Gingercake Creek – Special Exception  
(Sec. 94-164) - File # 06-001**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is requesting a special exception for the Stone Property that was recommended approval for rezoning from C-3 and R-40 to MO at last month's meeting. This special exception will allow the applicant to develop this property as shown on the concept plan which will include office and retail development at the front of the property; however, the MO zoning will allow single family in the interior of the property with the special exception. Staff did not see anything that will adversely affect the property. He added that staff did a special exception review which concludes approval for the property. Staff recommended approval.

Chairman Murphy called on the applicant for additional comments.

Mr. Jim Oliver represented this project. He said he did not have anything to add but would answer any question the commission may have.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.



Vice-Chairman Talley asked if there were any comments from Council at the first reading.

Mr. Gunn said that they had concerns with the road that was initially proposed going onto Burch Road. Mr. Gunn added that this commission had asked the applicant to get rid of it, but City Council felt that road might be necessary to aid in the circulation for the elderly. He said that the second concern was the density, since the applicant did tell how dense they were going to develop the property. Staff was going to look at the maximum density that would be allowed and hoped to get a number from the applicant as to what they were proposing.

Chairman Murphy asked the applicant if he could provide that information tonight.

Mr. Oliver said that the concept plan is all he has and cannot speak for the future.

Commissioner Feldman stated that he liked the project, but did not like the idea of an access of Burch Road.

Commissioner Bittinger added that he also liked the project without the access onto Burch Road.

Chairman Murphy said the commission had recommended the approval on the rezoning to City Council conditioned on council working out the issues with the access. She added as far as the special exception, we are presented with this concept plan as being the approximate number of units that this commission would be looking at for approval. If City Council did something drastically different with access, we should cover that in the motion for the special exception.

Vice-Chairman Talley said if he voted for the special exception and Council approved something completely different than what is presented to the commission, he would not want his vote counted. He added that he would like to see this special exception tabled until the next meeting. If it is called for a vote then he would vote against; not because of the plans but because this commission cannot control what is going to happen at the City Council meeting.

The applicant asked Mr. Talley if he was predicated his decision on Council.

Vice-Chairman Talley answered that he was predicated his decision on what he sees.

Mr. Oliver said that he did not plan to put an access on Burch Road and this concept plan is what they planned to go by.

Vice-Chairman Talley said that this commission is a recommending body and if Council changed their minds, which they are entitled to do, based on the Burch Road access; it is coming back.

Mr. Gunn said that Council is asking the commission to look at it to see if the access would be feasible.



Chairman Murphy asked Mr. Talley if he made a motion.

Vice-Chairman Talley said he did not make a motion.

Commissioner Feldman said that he agreed with Mr. Talley but would be willing to make a motion on the special exception.

Chairman Murphy called for a motion.

**Motion:** Commissioner Feldman motioned to approve the special exception from (Sec. 94-164) to allow residential dwelling in the Medical Office zoning district using this concept plan as illustrated.

**Second:** Commissioner Bittinger seconded the motion for discussion. He said that it was not clear enough. (He said that the commission should add the line regarding the Burch Road access). Vice-Chairman Talley asked Mr. Feldman if his motion read that the special exception should be approved strictly with the design as presented at this meeting without the Burch Road access. Mr. Feldman said that was correct. Commissioner Bittinger added if that were how the motion reads then he would second that motion. Chairman Murphy added a friendly amendment that the special exception is contingent upon the rezoning of the property. Friendly amendment accepted.

**Vote:** Unanimous

Motion carried.

**Kenneth Keyser, 70 Woodgate Drive – Variance from (Sec. 94-226) - File # 06-006**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is asking for a variance to reduce their required side yard setback from 20 feet to 6 feet. They would like to construct a screened porch that will match the existing house and have requested a variance to allow the structure to encroach 14 feet inside their side building setback line. Mr. Gunn showed a picture of the proposed screened-in porch. The applicant was asked to obtain letters from his neighbors regarding the variance. The applicant did submit those letters and the neighbors did not have a problem with the variance. Staff recommended approval.

Chairman Murphy called on the applicant.

Mr. Dave Pulman represented this project, and stated that he did not have anything to add.



Chairman Murphy called for public comments. There were none. She then called on the commissioners. There were no comments.

Chairman Murphy called for a motion.

**Motion:** Vice-Chairman Talley motioned to approve the variance from section 94-226 to reduce the side yard setback from 20 feet to 6 feet.  
**Second:** Commissioner Anderson seconded the motion.  
**Vote:** Unanimous

Motion carried.

**Enviro Recyclers, 238 First Manassas Mile Road – Development Plans - File # 06-007**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is proposing to construct a 3,600 square foot building adjacent to the current building on site. He said that the business is a recycling business, and the applicant would like to construct a building where they could service and maintain their vehicles that are used for their business. At the work session, the commission had asked the applicant to change the color of their building. The applicant resubmitted the color sample and they have chosen to make the building white. Mr. Gunn added that if the commissioners are okay with the elevations then staff recommended approval. Mr. Gunn reminded the commission that at the work session the City Engineer had concerns about the existing storm water detention pond on the back of the property; he wants to be sure about the condition of the pond. Mr. Easterbrook said that he is still reviewing it and suggested that the applicant should be allowed to proceed with a condition that the storm water plan be approved by him.

Chairman Murphy called on the applicant

Mr. Billy Brundage represented this project. He said all they did is change the trim on the building and if the commission has suggestions and prefers another color, the applicant is flexible about the color and would be willing to change it to any color the commission suggests.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. There were no comments.

Chairman Murphy called for a motion.

**Motion:** Commissioner Anderson motioned to approve the development plans.  
Vice-Chairman Talley added a friendly amendment that the approval is contingent on Don Easterbrook's comment on the detention pond, that it be approved by him.  
Friendly amendment accepted



**Second:** Commissioner Bittinger seconded the motion.  
**Vote:** Unanimous

Motion carried.

**Dick's Sporting Goods, Fayette Pavilion – Phase III – Elevation Plans**  
**File # 99-030.06**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant has submitted elevations for a 45,000 square foot store that will be constructed in the former Décor space at Fayette Pavilion. The building materials would match the existing stores in the Pavilion. He added that the proposed elevations are consistent with the existing stores found in the Pavilion, and that adequate parking and landscape already exist at the Pavilion. Staff recommended approval.

Chairman Murphy asked about the sidewalks, if the approval of this building would be tied to the certificate of occupancy.

Mr. Gunn said it was tied to the CO from another project that was approved and at that time the applicant was told that no more COs would be issued until the sidewalks were built. Mr. Gunn added that the applicant is currently working with the DOT on the sidewalks and is doing more work than what the City had asked them to do. If the commission chooses to approve the elevations, the applicant understands that they will not be able to get the CO until the sidewalks were completed.

Chairman Murphy asked if the commission would have to make the CO a part of any approval.

Mr. Gunn added that the commission could add the CO just to reinforce it.

Chairman Murphy called on the applicant.

Mr. Darrell Baker represented this project. He explained that the DOT is close to approval on the sidewalk plans. He added that the reason the sidewalks were not tied to the other buildings because they were negotiating with the City. Once the applicant found out all of the additional improvements that the DOT was going to require, the City said that was not the intention. Mr. Baker said that this went from \$40,000 sidewalks to a quarter of a million dollars. He added that everything is to remain as is with the exception of some fresh paint on this building.

Chairman Murphy called for public comments. There were none. She then called on the commissioners. There was no discussion by commissioners.

Chairman Murphy called for a motion.



**Motion:** Commissioner Feldman motioned to approve the elevations plans for Dick's Sporting Goods with the sidewalks to be tied to the Certificate of Occupancy.  
**Second:** Commissioner Bittinger seconded the motion.  
**Vote:** Unanimous

Motion carried.

Chairman Murphy stated that Georgia Law requires that certain disclosures must be made when considering a rezoning.

Chairman Murphy asked commission members to signify whether or not they or any family member had a financial or property interest in the annexation or rezoning agenda items.

Chairman Murphy and all of the commission members responded no.

Chairman Murphy also noted that if any of the applicants for rezoning had donated anything of value to any City Official in the last two years in the value of \$250.00 or more they must have notified the City in writing within ten days of the meeting. Also, if anyone in the public wished to speak in opposition to the rezoning and they have donated anything of value to any City Official in the last two years of \$250.00 or more they must have notified the City in writing five days prior to the meeting.

Chairman Murphy asked Mr. Gunn if notifications had been received. Mr. Gunn responded no.

**Brandywine Office, Brandywine Blvd Extension – Rezoning from (C-3 to O&I) File # 05-013.01**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is requesting to rezone the property from C-3 (Highway Commercial to Office and Institutional) in order to construct two office buildings approximately 31,000 square feet each. He said these building would be in the rear of the Southern Community Bank and Brandywine Corners Retail Center. There would be inter-parcel access and a shared drive and would be almost like an office campus; the proposed use is for medical office and regular office. The landscaping ties in to the site in the front and the buildings would look exactly like the two that are already there. Staff did a rezoning evaluation, which is in the commission's book, and it concludes that this rezoning is consistent with the Future Land Use map which is in that area. Staff recommended approval of the rezoning.

Chairman Murphy called on the applicant

Mr. Jason Walls with Integrated Science and Engineering represented this project. He said he did not have anything to add but if the commission has any questions, he would be happy to answer them.



Chairman Murphy called for public comments. There were none. She then called on the commissioners. There were no comments.

Chairman Murphy called for a motion.

**Motion:** Vice-Chairman Talley motioned to recommend approval on the rezoning from C-3 to O&I for Brandywine Office.  
**Second:** Commissioner Bittinger seconded the motion.  
**Vote:** Unanimous

Motion carried.

**Shops @ Highway 54 West 600 West Lanier Avenue – Rezoning from (R-30 to C-1) & (3 Variances from Sec. 94-203, Sec. 94-483, & Sec. 42-71) - File 04-010**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is requesting to rezone the property from R-30 (single-family residential) to C-1 (downtown commercial). The property is approximately 5.2 acres off Highway 54 West for a mixed use office and retail. The Future Land Use Map calls for office; and the proposal is for six buildings totaling approximately 60,000 square feet. He showed where the access to the property would be. The two retail buildings would face Highway 54; there would be four small buildings. The Future Land Use Plan calls for office. However, this property is within the Main Street Architecture Overlay District which called for Downtown Mixed use, and the zoning the applicant is asking for does fit in with the Main Street district. The O&I zoning district is compatible and consistent with the area. Staff did the rezoning assessment and did not find anything compelling and overwhelming for or against the rezoning. The change would not be detrimental to the area. If the Planning and Zoning Commission recommends approval of the rezoning then they should recommend a change to the Future Land Use Map in this area to Downtown Mixed use so that the applicant's request and the Future Land Use map are consistent with each other. Staff recommended denial of the rezoning request based on the Future Land Use Map. Mr. Gunn addressed the variances; one is for reduction of the highway corridor buffer (section 42-71). The second variance is for reduction in parking spaces, in which staff is not opposed to decrease the number of parking spaces. The third variance is for the reduction of distance between access points. The Planning Commission is not authorized to grant approval of this variance; this variance would have to be looked at by City Council.

Chairman Murphy called on the applicant for further comments.

Mr. Asa Candler represented this project. He said that he is very excited about the prospect of C-1 zoning which would fit them just fine.

Chairman Murphy called for public comments. There were no public comments. She called on the commissioners



Vice-Chairman Talley asked about the variance on the reduction of the parking spaces and what the applicant's intentions were. He also asked about the reduction of the highway corridor buffer.

Mr. Candler said that the Council members and commissioner members did not have a problem with the reduced parking spaces; there would be more green space and landscaping. Mr. Candler said that in the Main Street Downtown Overlay District buildings are allowed be closer to the street. In order to bring the building closer to the street, the highway corridor buffer needs to be reduced.

Chairman Murphy informed the commission that since there are no development plans yet, they may need to tie any approval, if there is a motion for approval, to what is shown there on the concept plan that has been presented. She added that as to the request for variance on section 94-203, that couldn't be acted upon because the commission does not have any authority to do so.

Commissioner Bittinger said that he agrees with staff because they do not go against the Future Land Use plan, but this is an unusual spot and much closer to town and he is not opposed to the rezoning to C-1, which is reasonable.

Commissioner Feldman agreed with the zoning; but is not comfortable with less green space. He wanted to know if there were any way to add to the green space and landscaping.

Mr. Candler said that he could probably do some tweaking to get some more green space.

Commissioner Feldman suggested that the applicant do less square footage on the building to get some extra green space.

Chairman Murphy called for a motion on the rezoning.

**Motion:** Commissioner Bittinger motioned to recommend approval of the rezoning from R-30 to C-1.

**Second:** Commissioner Feldman seconded the motion.  
Vice-Chairman Talley added a friendly amendment that City Council amends the Future Land Use Map to concur with this recommendation.  
Friendly amendment accepted.

**Vote:** Unanimous

Motion carried.

Chairman Murphy added that this commission would not take any action on the variance from section 94-203.

She called for a motion on the variance from section 94-483.



- Motion:** Vice-Chairman Talley motioned to approve the variance from section 94-483 to reduce the number of parking spaces from 5 spaces to every one thousand square feet to four spaces for every one thousand square feet.
- Second:** Commissioner Feldman seconded the motion for discussion.  
Mr. Gunn said that the reduction in parking spaces would help to with the impervious surface issue that was discussed.  
Commissioner Feldman asked if there was a pervious surface calculation.  
Mr. Candler said that the question about the pervious surface came up the last time and he made sure that the calculations were over the threshold.
- Vote:** Unanimous

Motion carried

Chairman Murphy called for a motion on the variance from section 42-71.

- Motion:** Commissioner Feldman motioned to approve the variance from section 42-71 to reduce the highway corridor buffer from 50 feet to 20 feet.
- Second:** Vice-Chairman Talley seconded the motion.
- Vote:** Unanimous

Motion carried

**Amendment to the zoning ordinance to address (Sec. 94-164) Medical Office Zoning District.**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that currently, the City's zoning ordinance addresses the number of vehicular access within the Medical Office (MO) zoning district and states that in addition to the primary access, "Secondary means for vehicular ingress and egress to and from the MO district shall also be provided." He said there is a requirement that access points shall be limited to one curb cut every 500 feet but in some instances like the Stone Property it is difficult to meet those requirements. Mr. Gunn added that in those instances the Planning Commission does not have the authority to address the variance. Therefore, this amendment would change the language to allow the Planning Commission the authority to eliminate the second access in an MO District and could place any conditions to the variance to help with the traffic flow. Staff recommended approval.

Chairman Murphy called for public comments. There were none. She then called on the commissioners.

Commissioner Bittinger said that the way it is written gives them the flexibility they were looking for.



Vice-Chairman Talley added that it does not contradict any statement by the Fire Marshall when they would prefer a secondary entrance which is the main reason for that.

The commission agreed that it was a good language change.

Chairman Murphy asked staff to check with the City Attorney if there also needs to be a language change in section 94-12, which has some limitation whereby the Planning Commission can grant a variance only in the event of certain types of things.

Chairman Murphy called for a motion.

**Motion:** Commissioner Bittinger motioned to recommend approval on the amendment to the zoning ordinance to address access points in section 94-164 (Medical Office Zoning District).

**Second:** Commissioner Feldman seconded the motion.

**Vote:** Unanimous

Motion carried.

**Bellemeade Subdivision – Amenity Center, 400 Seawright Drive -  
Development Plans File # 04-015.02**

Chairman Murphy called on staff for an overview on this project. Mr. Gunn stated that the applicant is proposing to construct a recreation center within the Bellemeade Subdivision. He added that the planned recreation facility would be located in the center of the subdivision with access from the main road in the community. He added that the amenities would consist of a pool, cabana, and tot lot. A timber retaining wall would be constructed on the southwest side of the pool. The pool area would be surrounded on three sides by a 5' black vinyl coated fence and on the fourth side by a 5' wrought iron fence. Mr. Gunn said this design would be just like the amenity facility in the Beaverbrook Estates Subdivision. He showed a PowerPoint presentation of what it would look like. Mr. Gunn said the only issue staff had was that the applicant should add a bike rack since the City is trying to make the community accessible by walking, biking etc. The applicant did agree to add the bike rack. Staff recommended approval.

Chairman Murphy called on the applicant.

Donna Black with Scarborough & Rolader represented this project. She said that she did not have anything to add, but would be glad to answer any question the commission may have.

Chairman Murphy called for public comments. There were no public comments. She then called on the commissioners. There were no questions or comments by commissioners.



Chairman Murphy called for a motion.

***Motion:*** Commissioner Feldman motioned to approve the development plans for Bellemeade Subdivision Amenity Center.  
***Second:*** Commissioner Anderson seconded the motion.  
***Vote:*** Unanimous

Motion carried.

### **Staff Reports**

Mr. Gunn reminded the Planning & Zoning Commission about the retreat that would be on April 28, 2006 at the Depot from 12:00 pm to 5 pm.

Chairman Murphy asked if anyone had anything to discuss with the Commission.

Chairman Murphy called for a motion to adjourn.

***Motion:*** Commissioner Feldman motioned adjourn the April 25, 2006 meeting.  
***Second:*** Commissioner Bittinger seconded the motion.  
***Vote:*** Unanimous

Motion carried.

Meeting was adjourned.

Respectfully Submitted,

Bibi Alli  
Staff Assistant